IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Crl.Rev.Pet.No. 546 of 2000-A

CRA.272/1998 of SESSIONS COURT, THRISSUR
CC.919/1996 of JUDL. MAGISTRATE OF FIRST CLASS COURT, VADAKKANCHERY

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REVN. PETITIONER:

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1. SANKARANARAYANAN, S/O. RAMAN,
PULACODE VILLAGE,
THALAPPILLY TALUK, THRISSUR DISTRICT.

2. KAMALAM, W/O. SANKARANARAYANAN,
PULACODE VILLLAGE, THALAPPILLY TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SMT.MINI JOHN PAREMALIL

RESPONDENTS:

STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR MR. BREEZE M.S.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 3044 OF 2000 IN CRL.R.P.NO. 546 OF 2000

DISMISSED.

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1-3-2007 **SD/-K.R.UDAYABHANU, JUDGE**

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.546 of 2000

DATED THIS THE 1st DAY OF MARCH 2007

ORDER

The revision petitioners, who are husband and wife, stand convicted for the offence under Section 55(g) of the Abkari Act and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.25,000/- and in default to undergo rigorous imprisonment for six months each. The allegation is that on 24-10-1996 at about 7.30 a.m. the accused was found distilling arrack at a forest area situated 100 metres south of the house of the accused. Counsel for the revision petitioner has only sought for modification of the sentence. Considering the fact that more than a decade has been elapsed since the commencement of the proceedings, I find that the sentence is liable to be modified.

2. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.5,000/-, and in default to undergo simple imprisonment for two months. It is submitted that the fine amount has already

been deposited. The revision petitioner shall appear before the Judicial First Class Magistrate, Vadakkancherry to receive sentence on 28-3-2007. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO.546 OF 2000

ORDER

1-3-2007